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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/513,963

01/18/2005

Zufan Qian

P70254US0

9793

136 7590 08/06/2008

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EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/513,963	<b>Applicant(s)</b> QIAN, ZUFAN	
	<b>Examiner</b> Vicky A. Johnson	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Fig 1 claim 1 in the reply filed on June 23, 2008 is acknowledged. Claims 2 and 4 appear to also read on Fig 1 and will also be examined. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The list of references on page 4 should be removed. Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a resilient contact mobile member.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: In claim 1 line 16 "chain engaging means" should be preceded by the or said; in claim 1 line 19 after "...tooth plane" is a grammatical error. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4 are indefinite because it is unclear if the two opposite ends of the frame each include a flywheel and a sprocket.

Claims 1 and 4 are indefinite because it is unclear how the device works if the guide column is used for unidirectional (one direction only) movement.

Claims 1 and 4 are indefinite because it is unclear how the tooth plate is “tilted” towards two opposite directions.

Claims 1 and 4 are indefinite because it is unclear how one end of the chain engaging tooth plane is float connected with the sliding assembly.

Claims 1 and 4 are indefinite because it is unclear is how the resilient member contacts the chain tooth “directly or indirectly in inverse direction.”

Claim 2 is indefinite because it is unclear if the resilient contact mobile member is the same as the resilient member of claim 1. It is also unclear if the claim limitation is referring to the member 39 or 37 of the specification.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Farnos (US 6,129,646), as best understood.

For example, Farnos discloses a driving apparatus comprising: a frame (12) of the driving apparatus composed of a guide column (32), an auxiliary frame pillar and frame end plates (unnumbered, see Fig 2), two opposite ends of the frame equipped with a flywheel (52) and a slave sprocket (54), respectively, with a single endless chain (50) operatively connected there between to form a chain ring (see Fig 2), the guide column used for linear sliding and the auxiliary frame pillar positioned on a plane that is parallel to the endless chain ring plane(see Figs 2 and 3); and a sliding assembly (46) used for driving and a slave chain-engaging and reversing mechanism thereof mounted on the guide column (see Fig 4B), the sliding assembly having upper and lower slide bars (40) mounted on the guide column for sliding along the guide column (see Fig 4B), at least one pedal (42) and at least one hand-controlled rod (44) used for propulsion mounted on an outside butt plate of the sliding assembly; wherein: a chain engagement means (70) of said slave chain-engaging and reversing mechanism is positioned in the endless chain ring plane (see Fig 3), said chain engagement means being connected with upper and lower slave slide bars that are mounted on the guide column (see Fig 4B), a chain engaging tooth plate (70) being provided in the chain engagement means, a chain-retaining board (60) having a chain-retaining arc projection (76); a reversing compensation means (66).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/  
Primary Examiner, Art Unit 3682